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**Commonwealth of Virginia**

**PRIVATE SECURITY SERVICES ADVISORY BOARD**

**October 9, 2007  
Quarterly Meeting Minutes**

**Hilton Virginia Beach Oceanfront  
Peacock Ballroom Salon A  
3001 Atlantic Avenue  
Virginia Beach, Virginia 23451**

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## **Call to Order**

Dennis VanDuzee, Chairman, called the meeting to order at approximately 10:00 a.m.

## **Attendees**

Dennis VanDuzee, Chairman; Christopher DiMartino, Vice-Chairman; Thomas Turner, Secretary; Carl D. Armstrong; Deputy Chief James Cervera; Charles Ciccotti; Paul Ellis; Brent Fortner; Joseph Maslanka; Harry Merchant Seth Oginz; and Charles Tobin.

## **Absent**

Kevin Hodges, notified the Chairman and the Board in advance.

## **Approval of Agenda**

Christopher DiMartino moved to approve the agenda as presented. Carl D. Armstrong seconded the motion. Motion carried.

## **Approval of Minutes**

Chair Dennis VanDuzee asked that the minutes be amended to correct the spelling of Mr. Ciccotti's name. Charles Ciccotti made a motion to approve the amended minutes for the July 10, 2007, PSSAB meeting. Brent Fortner seconded the motion and the motion carried.

## **DCJS Report**

Section Chief Lisa McGee, advised everyone in attendance that there was a copy of the annual report in the packets they received at registration.

This past fiscal year has been one of transition and staff has been focusing on internal procedures. We are continuing to migrate from an in-house licensing system to the Commonwealths enterprise solution, a web-based licensing system. The new system will allow DCJS to streamline many processes and give the industry enhanced training opportunities and secure access to information about the processing of their applications.

For the past year the management team has been meeting weekly with our technical staff to evaluate each policy and procedure within the Section in order to ensure the new licensing system will be beneficial not only internally but to the industry as well.

The technical staff is working with the Virginia Information Technology Agency as well as with a company called System Automation, Inc. This new licensing system has been very successful in other states and you can find more information on the company's website [systemautomation.com](http://systemautomation.com).

We have begun the data conversion and working on separate database systems to work in conjunction with the web-based system. Complete roll-out is expected to occur in early 2009.

Another one of our goals for the next year is to foster communication to assist in regulatory and compliance issues. We will be increasing field assistance to reduce instances of non-compliance. In doing so, we would like to develop and implement a campaign to increase awareness to the citizens of the Commonwealth and other public safety agencies in regards to the regulated industries for the interest of public safety.

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The Section is proposing to introduce a legislative proposal at the 2008 General Assembly in reference to the Code affecting the Private Security Services industry 9.1-138 – 9.1-150.

This language is very similar to the bill introduced in last year's session. The language is still in draft format and if approved will be reviewed by legislative services. Since we are attempting to open this language for amendments we will be holding a legislative workshop this afternoon from 1-5 to discuss the amendments recommended by staff and provide the industry with an opportunity to comment or suggest further amendments.

If the amendments are supported by the agency, we will be able to include them in our draft. The purpose of this proposal is to utilize uniform and consistent language that not only is essential for the new web-based licensing system but will assist in the public and industry's understanding of the program.

In our meeting this afternoon, all attendees will be provided with a copy of the draft document and staff will go over each amendment. At the last board meeting, I requested that a legislative subcommittee be established to discuss the agency's draft legislature and provide the agency with any amendments for the agency to consider.

Should the board feel that this committee should still meet after the legislative workshop, the agency will be happy to assist with that meeting and ensure a DCJS member is present.

We are still currently in the promulgation process for the Regulations Relating to Property and Surety Bail Bondsmen. The regulations are currently at the Governor's office awaiting approval. Once approved, we will notify the bail bondsmen industry with the effective date. Normally, it is a minimum of 45 days from approval to the effective date.

The regulations relating to bail enforcement agents are going through additional amendments and will be resubmitted for executive review. Once approved, the industry will be provided with a 60 day public comment period as well as a public hearing before the final regulations are submitted for final approval.

The private security services regulations were withdrawn from the process after the House Bill 3003 was tabled in last year's assembly. We will reopen the regulations for initial comment at the beginning of the general assembly.

Regulatory committees were formed to discuss different aspects of the regulations. These committees resulted in many productive recommendations that will be reviewed and utilized in order to proceed in the regulatory process.

The Governor published the Budget Reduction Plan and the Department of Criminal Justice Services has been effected. We will be working on reduced funds the Governor has appropriated \$100,000 from our appropriation to the general fund. This should not have a direct impact on the industry.

No current staff positions were eliminated. However, vacant positions will not be filled in order to accommodate the reduction of funds. There have been some internal staffing changes and operational efficiencies in order to continue to meet our regulatory responsibilities without any major affect on the industry.

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This past year was very difficult in the planning of the conference. The sponsorship was down and the section had to make some last minute accommodations in order to meet the reduced budget. We have concerns about a regulatory agency soliciting for sponsorship. In addition, the time and effort of the staff to put on this conference each year takes away from our regulatory responsibilities.

The agency would like to recommend that in place of an annual conference that we hold 4 training sessions throughout the year in conjunction with the quarterly board meeting. Individuals could attend the board meeting and then DCJS would provide training opportunities after each board meeting. Another option was to have the conference every other year but that does not remove the responsibility of soliciting sponsorship from the agency. We would support the board or an industry committee planning the conference and we would provide a member of the staff to sit on that committee.

We will look at the options available to us, as well as poll the industry and provide a final decision by the next board meeting.

## Licensing

Kim Freiburger, Licensing and Registration Manager provided a brief summary of events that have taken place in the Licensing and Registration unit this past year.

For the fiscal year of 2006-2007, over 58,000 applications were submitted to the Section for processing. As of July 2007 there are 1,743 licensed businesses and 121 certified training schools. In the Private Security Services industry there are over 43,207 individuals registered in one or more of the regulated categories. In addition, there are 774 registered Special Conservators of the Peace, 441 licensed Bail Bondsmen and 138 licensed Bail Enforcement Agents.

Internally, there were new mail procedures beginning March 12, 2007. The Commonwealth of Virginia has recently established a "State Mail Service". This is a service that is being offered as a resource to centralize state agency's processing of first class, bulk and certified mail.

Ms. Freiburger reminded the industry that DCJS has a new PO Box 1300 and asked that the industry ensure that documentation mailed to the Department have the correct mailing address to avoid a delay in processing, especially with time sensitive documents, such as renewals. The physical address: 202 N. 9<sup>th</sup> Street, 5<sup>th</sup> Floor remains unchanged.

The Section began using the Post Card Renewal's in September 2007, for those individual's registered in a Private Security Services category that were eligible for renewal. These postcards were developed for several reasons, (1) to minimize staff resources and cost associated with the monthly mailing of renewal forms; (2) encourage on-line renewals, which is another cost saving measure; and (3) continue to bring DCJS up to the same level of customer service currently being offered by other State Regulatory Agencies.

Ms. Freiburger announced that the Program Specialist Staff she manages: Margaret Isler; Dawn Meeks; and Marilyn Reed; Gabriel Washington and Jay Nunnally were nominated and won the DCJS Agency Teamwork Award this past April at DCJS' annual agency award luncheon. This is awarded to a member or group of employees who consistently exhibit the collaborative attributes that contribute to the agency's effectiveness and includes coordinating efforts to produce quality service or innovative results.

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## Criminal History

Burt Walker, Compliance/Enforcement Manager, reported that with the restructuring of the Private Security Services Section, the Compliance Enforcement Unit now includes the Criminal History Unit. From January 1, 2007 to October 1, 2007 the criminal history unit processed 13, 205 fingerprint applications, a 6.9% increase over the same period last year. There has been a 41.8% increase in denials during this period.

The restructuring has allowed for the assignment of a resident agent to the Southwest Virginia region.

The Commonwealth is divided into four regions with assigned agent/investigators:

Central -	Investigator Timothy Haymore
Tidewater -	Investigator Robert Tortolani
Northern -	Investigator Jeffrey Scott
Southwest -	Investigator Robbie Robertson

A comparison of the statistical information on cases for the period January to October, 2006 and 2007 revealed the following:

- 22.2% increase in number of cases
- 48% increase in the number of founded cases
- 17.8% decrease in the number of unfounded cases
- 44.4% decrease in the number of undetermined cases

Priority 1 Cases (require immediate investigation)	25% decrease
Priority 2 Cases (require investigation within 30 days)	11.5% increase
Priority 3 Cases (normal processing)	32.3% increase

DCJS began the regional assignment of investigators last year in Tidewater, Northern and Central regions, and split the assignment of cases in the southwest. When comparing statistical information from January to October 2006 with the same period in 2007 the benefit of regional assignments is clear.

Region:	1. Southwest VA	100% increase in cases
	2. Central/Richmond VA	64.7 increase
	3. Tidewater VA	19.6% decrease
	4. Northern VA	5.2 % decrease
	5. Out of State	54.5% decrease

Regional Investigators saves cost and travel expenses because of less overnight travel for hotel expenses and per diem cost. Investigators can spend less time on the road and more time providing assistance to regulants.

Regional Investigators are expected to visit businesses, regulants and training schools in their assigned areas. The department has found that often, violations occur because of a lack of knowledge or a misunderstanding of the regulations and the requirements.

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Regional Investigators are expected to conduct ID checks at job sites, make appearances at courts, magistrate's offices, police and sheriff's departments and jails and to develop relationships with these individuals and others to increase the awareness of our regulatory responsibilities and increase professionalism in the industries we regulate.

DCJS feels that regional investigators will greatly assist those in the industries we regulate who are trying to do it right and greatly deter those who choose not to do it right. Continuing in the efforts to create a level playing field for the industries regulated and to improve public safety.

## Training

Kim Buckner, Training/Certification/Customer Service Manager reported on a couple issues affecting training and talked about the spirit of private security because that starts with training and goes out from there to everybody in the industry.

From time to time, the Private Security staff is invited to attend or speak at events throughout the Commonwealth. Several of the staff attended the ASIS International, National Capital Regional Event to honor individuals who demonstrate exemplary performance of their duties in Private Security. An individual in Private Security was presented the top award for saving a life, not for providing protection, like we often think of Private Security, but for actual life saving while on duty by resuscitating an individual who was able to attend the event to appreciate the team that was in place that did save his life. That presentation spoke to all of us as to what protecting Virginia's future is all about. All of us, in some measure or fashion, are responsible for the protection and welfare of the individuals that live, work and play here in Virginia, whether it is public safety or private security, we all play a roll. It was a privilege to be in attendance and be reminded that that is our common bond between you in the industry and us in working on behalf of the industry to assure the public welfare.

About six weeks ago, DCJS put out a notice on behalf of the Board, seeking volunteers to participate in the Private Security Services Advisory Board Training Committee. There was an enthusiastic response of over three dozen individuals from every facet of the industry who eagerly wanted to participate and engage in discussions with this committee. This committee will probably meet in conjunction with the quarterly Board meetings. The meetings will be open to the public and you are all invited to attend and participate. The core of a solid, strong industry is the training foundation and, with the training pieces working, that helps all of us and, all of us participate in training, whether we are the actual instructors or the compliance agents responsible for regulated individuals or, the individuals mentoring the new people.

Harry Merchant will be communicating to the department about the results of that committee and when and where those meetings will be held.

The Training and Certification Unit continues to work variously with the Enforcement Unit on Training School matters and training sessions and we are seeing some progress there.

The Customer Service Unit is making some headway in streamlining and cross-training. The Unit now has a coordinator fulltime in Customer Service and hopefully, the industry is seeing some improvements there.

Ms. Buckner reminded all in attendance that they received information on the Legislative Workshop in the afternoon. She pointed out a couple things about the compliance agent credit. If eligible to receive credit and wish to attend the session and receive credit but did not enroll, that is fine. But,

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asked that attendees mark on the attendance sheet that they would like to receive credit. The Training staff will send an email next week to those who were not already registered and enrolled, giving them instructions on how to submit the proper application and fee. The training will be reflected at that point and attendees will be able to receive credit. DCJS wants to accommodate as many people as require credit, in addition, encouraging all, whether training is needed or not to attend the session to become more informed about this legislative initiative.

## Board Comments

Deputy Chief Cervera, Law Enforcement representation on the PSSAB asked for clarification of the firearm discharge section of the Annual Report.

Burt Walker remarked that firstly, the department determines whether the cases are founded or unfounded and makes sure law enforcement is aware of the firearm discharge. If it is a situation that law enforcement has investigated and have ruled that it was not an improper shooting, the department looks at the training and other matters that DCJS regulates. Once the Commonwealth's Attorney has made the decision that it is a criminal matter, DCJS would not get into the matter until after the case was resolved. In our investigations, we focus on training issues and look for opportunities to make the individuals understand, most of the firearms discharges occur because people shoot cars. They think the car is running over them and feel the necessity to shoot. Most of the firearms instructors are presenting this information to decrease the number of incidents and there is now a better reporting system, we now get information regarding firearms discharges from other sources and sometimes from police departments, whereas, in the past we may not have known about the discharge. Firearms discharges are a priority one case and we investigate immediately, as soon as we receive the report.

Deputy Chief Cervera asked if the department can take action up to and including revocation of that person's license?

Burt Walker responded absolutely, most of the time, if it is an improper shooting, regardless of what law enforcement or the Commonwealth's Attorney rule, we make the individual go through training again or, we remove their firearms endorsement.

Deputy Chief Cervera asked about increase in the number of Unprofessional Conduct classification of investigations from 3 cases in 2004 to 100 in 2007 and if this was because DCJS went to a regional system, as opposed to everybody working out of Richmond over the past few years.

Burt Walker said that is correct and the increase is also generated by members of the industry making DCJS aware of the situations. A number of those cases involved instructors that had been found to not be conducting proper instruction.

Thomas Turner, said that he was aware that special conservators of the peace had 24 hours to report a firearms discharge and asked if that was true for other registrants?

Burt Walker stated that was correct.

Deputy Chief James Cervera asked if there could be times when firearms discharges were not being reported by the registrant that they discharged a firearm.

Burt Walker replied that is correct. In fact, a number of the ones that occurred in the past the department learned about through law enforcement since the department has increased the

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awareness of the law enforcement or, has learn about them from other members of the industry. The department has four investigators and has a large state, increasing the need to let the department know these things and placing it in a position to be able to take action. A lot of times, the department will hear from instructors who have trained these people, they get word back that something has occurred and the department starts the investigation at that point.

Deputy Chief Cervera asked if a registrant does not report within twenty-four hours and it comes to DCJS through another source, would this affect the finding of DCJS.

Burt Walker answered that this would be a significant violation and the action taken usually includes revocation.

Deputy Chief Cervera requested clarification of CSM, on the last row of page 5 of the annual report and was told by Burt Walker that is stood for Central Station Monitoring.

Thomas Turner asked about the increased number of days required to process the criminal history for fingerprint applications from 17 days from State, 16 days from FBI in 2005-2006 to 28 days and 25 days in 2007.

Burt Walker responded that once the fingerprint cards are received and processed, the department usually knows within 24 hours if there is a record somewhere. Then have to wait until NCIC has gathered that record information, gotten it back to the department to verify what is needed. Law enforcement is required to put the charge on NCIC, however, the courts are not required to put the disposition. DCJS needs a disposition. The length of time to approval or denial of a criminal history record depends on how long it takes the applicant to get the disposition back to the department.

Thomas Turner asked if an increase in the number of denials increases the amount of time it takes.

Burt Walker responded that the processing of denials takes considerable longer than prints that are scanned and come back classified and are approved.

Leon Baker, Division Director, added that the 28 days reflects all the criminal history checks that we get. If a person doesn't have any kind of criminal history, then it may be processed in a matter of one or two days. If there are problems, that is what takes an average of 28 days.

Carl Armstrong asked Burt Walker about the mailing of fingerprints. He stated that he was aware Robbie had started to initiate a program of the fingerprints being sent back in an individual envelope, signed off by the person who did the fingerprints and that Bail Bondsman are already being told to do this. He has not seen anything on the security side.

Burt Walker responded that DCJS is developing how we are going to do that. Until we are able to implement this change smoothly, we will continue to handle fingerprints as done in the past.

Brent Fortner asked Lisa McGee if there was any way the industry could respond to stop the appropriation of funds from Private Security, which is self-funding so that positions could be filled, there would not be the necessity to cut back on hotels and travel for DCJS personnel and things that impact the industry. Mr. Fortner had been present two years ago when this issue was raised before the General Assembly and the Assembly did not have the authority to overrule the Governor. Mr. Fortner asked is letters to the Governor from the industry would have any impact.



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Lisa McGee explained that the Governor has the authority, when there is a budget concern with the Commonwealth under the Appropriations Act, to transfer funds that are appropriated to the Private Security Services Section. While Private Security is self-funding, all fees and funds still go to the Treasurer of Virginia. That money is appropriated to the section to run the program but, during a budget deficit, the Governor has the authority to transfer, do appropriation from non-general to general funds. Then DCJS makes accommodations, where we can, to insure that our regulatory responsibilities are still met. It is the same thing that happened in 2002 and we made it through then. I don't want the industry to think that because we are facing this again this year that we are going to immediately come back and raise your fees to accommodate it. We are making as many internal efficiencies as possible, we are going to work with what we have to get through this time period.

## **Committee Reports**

**Training Committee** - Committee Chair Harry Merchant reported that the committee had been provided a list of people interested in serving on the committee. The committee is looking for a cross section of people, not just instructors or trainers but, also business owners and members of the industry who are interested because the committee is looking for all views.

Mr. Merchant continued to advise that the meetings up to this point have always been pushed by issues. Kim Buckner has asked that we try to change the format of the meetings so that instead of being set up and pushed by an issue, we bring everybody together and find out who has an issue or if there is something out there that needs to be addressed.

The Training Committee has been very quiet the past year because the people Mr. Merchant met had no problems there was no need for a meeting. The meeting format will be changed, bring everyone in and have an open forum. The meetings are open to everybody, not just committee members. A list will be submitted to Chair VanDuzee today for his review and approval. After that approval, Mr. Merchant will be contacting the new committee members to discuss the first meeting.

## **Regulatory Sub Committee**

No Report

## **New Business**

No new business

## **Harold McCann Award**

Chair Dennis VanDuzee presented the Harold McCann Award to Lynn C. Oliver

Mr. Oliver thanked the Board and industry for the recognition.

## **Recognition of Past Board Members**

Chair Dennis VanDuzee presented plaques to past Board Members, William Shollhans, Connie Higginbotham, Ken Davis, Chris Stuart and Rafe Wilkinson. Connie Higginbotham and Rafe Wilkinson were not present.

Chair Hodges presented a plaque to Kevin Hodges recognizing his service as a member and then Chair of the PSSAB from July 1, 2005 to June 30, 2007. Kevin Hodges was not present.

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Chair Dennis VanDuzee called on Mary Kay Wakefield to present another award.

Mary Kay Wakefield, on behalf of the Board, presented an award to Lisa Hahn for her services, as the previous Section Chief of the Private Security Services Section.

Ms. Hahn thanked the Board, the industry and the department for their years of hard work, dedication and support.

## **Public Comments**

Bill McCrory, Jr. representing Security Forces as a company and PISA as their president, thanked DCJS for the opportunity from 1:00 P.M. to 5:00 P.M. for the Legislative Workshop and wanted to convince everybody in the audience to please show up to have an opportunity to talk about the bill. Mr. McCrory thanked Robbie Robertson of DCJS, for the opportunity to come to the conference and he thanked the Board and challenged the Board to keep communications open.

Pat Clawson, a private investigator and security officer from Washington, DC, submitted that the photo identification card needs to designate armed or unarmed security officer because it causes some confusion and, the print on the cards is too small and difficult to read. The key point of the identification card is to protect the public and the public needs to be able to read the cards.

Mr. Clawson discussed the need for reciprocity with more states. There are literally dozens of states that offer some degree of reciprocity for private investigators and Virginia needs to be a leader in this area and begin the reciprocity agreements with the approximately 30 states that offer reciprocity.

Chris DiMartino advised Mr. Clawson that Virginia would only enter into reciprocity with states that had similar licensing and registration requirements and regulations.

Mr. Clawson expressed the opinion that Virginia needs to take a look at certification, registration or licensure as private investigators of individuals operating in the area of computer forensics examinations. Currently there are a lot of unqualified, unlicensed, unregulated individuals who are calling themselves computer forensics examiners who are frankly, producing a product that will not stand up in a Court of Law and we need to recognize the problem. I think Virginia could create a model program for this area.

Harry Merchant advised Mr. Clawson that computer fraud investigators and computer forensics investigators are not exempt from regulations in Virginia and DCJS should be advised of any unlicensed/unregistered activity.

John Kochensparger said that his issues were already covered and he publicly withdrew

## **Announcements**

Chair Dennis VanDuzee reminded everyone of the 1:00 P.M. to 5:00 P.M. Legislative Workshop and encouraged all to attend.

The date for the next quarterly meeting of the PSSAB and a schedule for 2007 will be announced within the next couple of weeks.

## **Adjournment**

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Carl D. Armstrong made a motion to adjourn the meeting. Chris DiMartino seconded the motion. The motion carried and the meeting was adjourned.

## **Public Attendees**

There were approximately 240 attendees for the conference, 72 signed in for the PSSAB meeting.